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March 13, 2008

**MEMO ENDORSED**

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*Via Facsimile: two (2) pages (212) 805-7913*  
The Honorable Peter K. Leisure  
U.S. District Court  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

USDC SDNY  
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Re: *Chiquita and GWF v. MV Bosse etc., et al.*  
2007 Civ 6786 (PKL) 67 Civ 1221  
Our File: 153-16

Dear Honorable Judge:

We write in reference to the above entitled action to request a three month extension for the Civil Case Management Plan. This is the first request for an extension of time for discovery and defendant joins in the request.

As the Court will recall this claim involves loss associated with the delay of the MV BOSSE due to a arrest in Syria. It is alleged that as a consequence of the delay associated with the arrest, Chiquita had to divert another vessel, the MV KEA, to cover the market the MV BOSSE was originally going to cover. The market that the MV KEA was going to fill therefore sustained a loss.

Discovery in this matter is somewhat more complicated than the normal cargo claim as it involves two vessels and cargoes and offices in many different countries including Belgium, Bermuda, Sweden, Costa Rica, Italy, Turkey and Syria. Compounding the problems is that Chiquita's transportation arm, Great White Fleet, has recently sold off all of its owned vessels and both Chiquita and GWF have had massive lay offs. Consequently, obtaining the necessary documents and located individuals for depositions are difficult.

The parties are working together and have produced documentation that is currently available at this stage and will be entering into a Confidentiality Agreement for certain confidential documents. With the extension of time, the case management plan would be as follows:

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Plaintiff's expert disclosures due: 6/15/08;

Defendant's expert disclosures due: 7/15/08;

All depositions completed: 8/15/08;


Requests to Admit completed by: 7/15/08

All discovery completed by: 8/15/08

We would also request that the Court conference scheduled for April 16<sup>th</sup> be rescheduled for sometime after July 16, 2008.

We appreciate the Court's assistance in this matter and look forward to the Court's comments.

Very truly yours,

  
Gregory G. Barnett

Plaintiff's request for an extension of time is hereby granted as set forth above and the April 24<sup>th</sup> conference is rescheduled to July 30 at 10:00 a.m.

SO ORDERED

  
OSDJ

cc: Michael E. Unger 212-425-1901  
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